

## Brandon Sherr

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**From:** John Gurrieri  
**Sent:** Thursday, July 14, 2016 4:03 PM  
**To:** 'Daniel Morris'  
**Cc:** Justin Zeller  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

Fair enough, but I think we're going to go ahead and file the letter.  
Do you consent?

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**From:** Daniel Morris [<mailto:dwmorris@cbdm.com>]  
**Sent:** Thursday, July 14, 2016 10:41 AM  
**To:** John Gurrieri <[jmgurrieri@zellerlegal.com](mailto:jmgurrieri@zellerlegal.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

Do we want to put the judge on notice of a settlement? If we turn around and dismiss without prejudice or file and accepted offer of judgment, is she going to inquire further? It's your concern. I have no issue with having the judge review the agreement, so let me know.

If it falls apart, we'd just have to be prepared to go to trial without depositions, I guess.

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**From:** John Gurrieri [<mailto:jmgurrieri@zellerlegal.com>]  
**Sent:** Thursday, July 14, 2016 10:21 AM  
**To:** Daniel Morris <[dwmorris@cbdm.com](mailto:dwmorris@cbdm.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

Dan,

Do you consent to the attached letter?

Regards,  
John G.

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**From:** Daniel Morris [<mailto:dwmorris@cbdm.com>]  
**Sent:** Wednesday, July 13, 2016 6:03 PM  
**To:** John Gurrieri <[jmgurrieri@zellerlegal.com](mailto:jmgurrieri@zellerlegal.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

John and Justin,

I just wanted to confirm that my client anticipates agreeing to either a Rule 68 or a withdrawal without prejudice so you can avoid the scrutiny the judges think the FLSA requires.

We should know the direction we're going tomorrow AM.

So we're at 25K, with the format of the dismissal to be determined.

As discussed yesterday, my client will need some time to pay this, but I'm sure we can get that worked out.

Dan

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**From:** John Gurrieri [<mailto:jmgurrieri@zellerlegal.com>]  
**Sent:** Wednesday, July 13, 2016 12:58 PM  
**To:** Daniel Morris <[dwmorris@cbdm.com](mailto:dwmorris@cbdm.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

Still working on getting a hold of him.

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**From:** Daniel Morris [<mailto:dwmorris@cbdm.com>]  
**Sent:** Wednesday, July 13, 2016 12:49 PM  
**To:** John Gurrieri <[jmgurrieri@zellerlegal.com](mailto:jmgurrieri@zellerlegal.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

Any update John?

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**From:** John Gurrieri [<mailto:jmgurrieri@zellerlegal.com>]  
**Sent:** Tuesday, July 12, 2016 6:19 PM  
**To:** Daniel Morris <[dwmorris@cbdm.com](mailto:dwmorris@cbdm.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

212-229-2249

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**From:** Daniel Morris [<mailto:dwmorris@cbdm.com>]  
**Sent:** Tuesday, July 12, 2016 6:18 PM  
**To:** John Gurrieri <[jmgurrieri@zellerlegal.com](mailto:jmgurrieri@zellerlegal.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

I'm back. What # can I call you at?

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**From:** John Gurrieri [<mailto:jmgurrieri@zellerlegal.com>]  
**Sent:** Tuesday, July 12, 2016 6:04 PM  
**To:** Daniel Morris <[dwmorris@cbdm.com](mailto:dwmorris@cbdm.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** RE: 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

I'll be around for a bit. Just called and got your voicemail.

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**From:** Daniel Morris [<mailto:dwmorris@cbdm.com>]  
**Sent:** Tuesday, July 12, 2016 5:55 PM  
**To:** John Gurrieri <[jmgurrieri@zellerlegal.com](mailto:jmgurrieri@zellerlegal.com)>  
**Cc:** Justin Zeller <[jazeller@zellerlegal.com](mailto:jazeller@zellerlegal.com)>  
**Subject:** 0952 Rodriguez-Hernandez v. Bread & Company: K Bread

John,

If you or Justin are still around, could you give me a call on my direct line 212-842-7154?

I want to talk about where we're at and whether we need to move forward.

Dan

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